D.B.CIVIL SPECIAL APPEAL NO.162/07
(State of Rajasthan & ors. Vs Ghisi Lal Raigar & Another)

DATE OF ORDER :- 16.3.2007

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLEMR.JUSTICE BHANWAROO KHAN

Mr.R.P.S.Choudhary,Addl. Advocate General, for the appellants.

Heard learned Additional Advocate General for the appellants. In our opinion no case is made out for interference in this appeal.

The admitted position which emerges is that respondent No.1 was initially appointed as Chungi Nakedar in Gram Panchayat Bijoliyan in 1997. At the relevant time octroi was leviable by the respective local self Govt. and for that purpose appointment of nakedars were made in Gram Panchayats and Municipalties. As a result of abolition of octroi duty, persons employed under those local authorities as collectors of octroi or Chungi Nakedar became surplus and Government decided to absorb them at different places.

In the present case respondent was declared as surplus and was absorbed as Assistant Secretary in Gram Panchayat with the stipulation that he shall be paid consolidated

remuneration @ Rs.1200/- per month for two years and on completion of two years service thereafter shall be placed in regular pay scale.

On 23.1.2001 Govt. had issued a circular determining the remuneration payable to persons employed on contract. The said circular was sought to be applied to the respondent who at the time was drawing consolidated pay in terms of the absorption by treating him to be contract employee.

The petitioner respondent challenged the order before the Rajasthan Civil Services Appellate Tribunal. Jodhpur which allowed the group of appeals vide its order dated 4.5.2006, which included the appeal of respective petitioners, by holding that since incumbents were originally employed with the Gram Panchayat and on abolition of the posts of Chungi Nakedars, they were declared surplus and absorbed as Assistant Secretary in Gram Panchayats, they cannot be held to be a contract employees under the circular dated 23.1.2001 and directed to place appellants in regular pay scale on completion of two years service in terms of absorption order.

The order of the Rajasthan Civil Services Appellate Tribunal was challenged by the present appellant by way of writ petition which has been dismissed by the learned Single Judge.

No exception can be taken in the view taken by the Tribunal and affirmed by the learned single Judge that person who was appointed in cadre of nakedar by Gram Panchayat, on abolition of post, if he had been absorbed as surplus employee his staus cannot be altered from the regular employee to that of a contract employee de hors the order of absorption by the circular dated 23.1.01. Direction to pay him regular pay scale after completing 2 years service is as per the terms of the absorption order.

Accordingly, appeal fails and is hereby dismissed.

(BHANWAROO KHAN),J. **(RAJESH BALIA),J.**

D.B.CIVIL SPECIAL APPEAL NO.169/07
(State of Rajasthan & ors. Vs Gordhan Ram & Another)

DATE OF ORDER :- 16.3.2007

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLEMR.JUSTICE BHANWAROO KHAN

Mr.R.P.S.Choudhary,Addl. Advocate General, for the appellants.

Heard learned Additional Advocate General for the appellants. In our opinion no case is made out for interference in this appeal.

The admitted position which emerges is that respondent No.1 was initially appointed as Chungi Nakedar in Gram Panchayat Sivana in 1997. At the relevant time octroi was leviable by the respective local self Govt. and for that purpose appointment of nakedars were made in Gram Panchayats and Municipalties. As a result of abolition of octroi duty, persons employed under those local authorities as collectors of octroi or Chungi Nakedar became surplus and Government decided to absorb them at different places.

In the present case respondent was declared as surplus and was absorbed as Assistant Secretary in Gram Panchayat with the stipulation that he shall be paid consolidated

remuneration @ Rs.1200/- per month for two years and on completion of two years service thereafter shall be placed in regular pay scale.

On 26.12.2000 Govt. had issued a circular determining the remuneration payable to persons employed on contract. The said circular was sought to be applied to the respondent who at the time was drawing consolidated pay in terms of the absorption by treating him to be contract employee.

The petitioner respondent challenged the order before the Rajasthan Civil Services Appellate Tribunal. Jodhpur which allowed the group of appeals vide its order dated 4.5.2006, which included the appeal of respective petitioners, by holding that since incumbents were originally employed with the Gram Panchayat and on abolition of the posts of Chungi Nakedars, they were declared surplus and absorbed as Assistant Secretary in Gram Panchayats, they cannot be held to be a contract employees under the circular dated 26.12.2000 and directed to place appellants in regular pay scale on completion of two years service in terms of absorption order.

The order of the Rajasthan Civil Services Appellate Tribunal was challenged by the present appellant by way of writ petition which has been dismissed by the learned Single Judge.

No exception can be taken in the view taken by the Tribunal and affirmed by the learned single Judge that person who was appointed in cadre of nakedar by Gram Panchayat, on abolition of post, if he had been absorbed as surplus employee his staus cannot be altered from the regular employee to that of a contract employee de hors the order of absorption by the circular dated 26.12.2000. Direction to pay him regular pay scale after completing 2 years service is as per the terms of the absorption order.

Accordingly, appeal fails and is hereby dismissed.

(BHANWAROO KHAN),J. **(RAJESH BALIA),J.**

D.B.CIVIL SPECIAL APPEAL NO.173/07
(State of Rajasthan & ors. Vs Hamir Khan & Another)

DATE OF ORDER :- 16.3.2007

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLEMR.JUSTICE BHANWAROO KHAN

Mr.R.P.S.Choudhary,Addl. Advocate General, for the appellants.

Heard learned Additional Advocate General for the appellants. In our opinion no case is made out for interference in this appeal.

The admitted position which emerges is that respondent No.1 was initially appointed as Chungi Nakedar in Gram Panchayat Sivana in 1997. At the relevant time octroi was leviable by the respective local self Govt. and for that purpose appointment of nakedars were made in Gram Panchayats and Municipalties. As a result of abolition of octroi duty, persons employed under those local authorities as collectors of octroi or Chungi Nakedar became surplus and Government decided to absorb them at different places.

In the present case respondent was declared as surplus and was absorbed as Assistant Secretary in Gram Panchayat with the stipulation that he shall be paid consolidated

remuneration @ Rs.1200/- per month for two years and on completion of two years service thereafter shall be placed in regular pay scale.

On 16.12.2000 Govt. had issued a circular determining the remuneration payable to persons employed on contract. The said circular was sought to be applied to the respondent who at the time was drawing consolidated pay in terms of the absorption by treating him to be contract employee.

The petitioner respondent challenged the order before the Rajasthan Civil Services Appellate Tribunal. Jodhpur which allowed the group of appeals vide its order dated 4.5.2006, which included the appeal of respective petitioners, by holding that since incumbents were originally employed with the Gram Panchayat and on abolition of the posts of Chungi Nakedars, they were declared surplus and absorbed as Assistant Secretary in Gram Panchayats, they cannot be held to be a contract employees under the circular dated 16.12.2000 and directed to place appellants in regular pay scale on completion of two years service in terms of absorption order.

The order of the Rajasthan Civil Services Appellate Tribunal was challenged by the present appellant by way of writ petition which has been dismissed by the learned Single Judge.

No exception can be taken in the view taken by the Tribunal and affirmed by the learned single Judge that person who was appointed in cadre of nakedar by Gram Panchayat, on abolition of post, if he had been absorbed as surplus employee his staus cannot be altered from the regular employee to that of a contract employee de hors the order of absorption by the circular dated 16.12.2000. Direction to pay him regular pay scale after completing 2 years service is as per the terms of the absorption order.

Accordingly, appeal fails and is hereby dismissed.

(BHANWAROO KHAN),J. **(RAJESH BALIA),J.**

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